

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

HENRY CHRISTOPHER DAVIS,

Petitioner,

v.

CIVIL ACTION NO. 1:16CV121
(Judge Keeley)

B. VON BLANCKENSEE,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [DKT. NO. 11]**

On June 20, 2016, the petitioner, Henry Christopher Davis ("Davis"), filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Dkt. No. 1). Pending before the Court is the Report and Recommendation ("R&R") of the Honorable Michael J. Alois, United States Magistrate Judge, dated August 16, 2016 (Dkt. No. 11). Although Davis received the R&R on August 25, 2016 (Dkt. No. 13), he has not filed any objections to it.

Parties may object to the proposed findings and recommendations of a magistrate judge within fourteen days of receipt. 28 U.S.C. § 636(b)(1)(C). This Court is required to review de novo only those portions of the magistrate judge's findings to which objection is made. Id. "[T]he Court may adopt, without explanation, any of the magistrate judge's recommendations to which the prisoner does not object." Dellacirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718

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F.2d 198, 199 (4th Cir. 1983)). Because Davis has not filed any objections, the Court's review of the R&R is for clear error.

Upon review of the R&R and the record, the Court adopts the opinion of the Magistrate Judge for the reasons discussed in the R&R (Dkt. No. 11). Therefore, the Court:

1. **ADOPTS** the R&R (Dkt. No. 11);
2. **DENIES** the petition (Dkt. No. 1); and
3. **DISMISSES** this civil action **WITH PREJUDICE** and **ORDERS** that it be **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se plaintiff by certified mail, return receipt requested.

DATED: October 7, 2016.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE